

# STUDENTS' COUNCIL

---

Tuesday November 16, 2010  
Council Chambers 2-1 University Hall

## ORDER PAPER (SC 2010-16)

### 2010-16/1 SPEAKER'S BUSINESS

2010-16/1a Announcements – The next meeting of Students' Council will take place on Tuesday, November 23, 2010

### 2010-16/2 PRESENTATIONS

2010-16/2a Bee Clean Presentation- Presented by Tarik Accord & Merryn Edwards, Justice for Janitors. Sponsored by Councillor Rao/Councillor Gordon.

2010-16/2b Electoral Methods Presentation- Presented by Michael Ross, engineering Councillor. Sponsored by Michael Ross, engineering Councillor.

Abstract:

The purpose of the presentation is to take an in-depth look at the mechanics of the current Students' Union Instant-Runoff electoral method, and to cover the attributes of an alternative Single Transferable Vote method.

### 2010-16/3 EXECUTIVE COMMITTEE REPORT

2010-16/3a Executive Committee report

Please see document SC 10-16.01

### 2010-16/4 BOARD AND COMMITTEE REPORTS

2010-16/4a DIE Board Ruling #2 Re: Case 2010/11-01

Please see document SC 10-16.02

### 2010-16/5 QUESTION PERIOD

### 2010-16/6 BOARD AND COMMITTEE BUSINESS

### 2010-16/7 GENERAL ORDERS

### 2010-16/8 INFORMATION ITEMS

2010-16/8a Votes and Proceedings

Please see document SC 10-16.03

## **Executive Committee Report to Students' Council November 16, 2010**

### **1. The following motion was passed on the Oct 25 meeting**

EASTHAM/TIGHE MOVES THAT the Executive Committee approve a budgeted expense not to exceed \$6200 for the purpose of sending the President, Vice President (External), and The DRPA to the CASA Lobby Conference in Ottawa from November 13 – 20, 2010.

**4/0/0 CARRIED**

### **2. The following motion was passed on the Nov 3 meeting**

MURPHY/DEHOD MOVED THAT the Executive Committee approve a projects allocation expense not to exceed \$200.00 for the purpose of purchasing two new microwaves for CAB.

**5/0/0 CARRIED**

# Discipline Interpretation and Enforcement Board

## Ruling of the Board

---

### 1. Hearing Details

<b>Style of Cause:</b>	Cox vs. CRO
<b>Hearing Number:</b>	Ruling #2, 2010/11
<b>Hearing Date:</b>	November 4, 2010
<b>DIE Board Panel Members:</b>	Ashvin Singh, Chair, Acting Chief Tribune Kathleen Elhatton-Lake, Tribune Mary McPhail, Tribune
<b>Appearing for the applicant:</b>	Natalie Cox, Councillor
<b>Appearing for the respondent:</b>	Jaskaran Singh, Chief Returning Officer
<b>Intervener(s):</b>	None

### 2. Alleged Contravention

Chief Returning Officer Jaskaran Singh refused to fill the open Science councillor vacancy following the resignation of former Councillor Cheung in early September. In refusing to appoint a new councillor, the CRO argued that Bylaw 0100 (Students' Council), s.6 (2) stipulated that the position could only be offered to delegates from the March 2010 elections. He offered the position to "None of the above" per Bylaw 0100, s.6 (4), given that s.76(3) of Bylaw 2000 does not allow by-elections to be called for resignations after August 15<sup>th</sup>. Councillor Cox argued that s.6(2) of Bylaw 0100 referred to the September 2010 by-elections, for which there were available candidates who should be appointed per Bylaw 0100, s.6(4).

Both parties clarified that they held common interpretations of Bylaw 0100, s.6 (4) and Bylaw 2000, s.76(3), and their controversy hinged upon the timelines and definitions used in reading s.6(2) of Bylaw 0100. Should councillors be drawn from the March 2010 elections or the September 2010 by-elections? Thus, this panel chose to focus its analysis on the correct interpretation of that legislative provision and the corresponding rights and obligations of the CRO.

### 3. Relevant Legislation

*Bylaw 0100 reads (excerpt):*

#### **Section 6: Replenishment**

(2) In the event of a vacancy in the office of Councillor, the Chief Returning Officer of the Students' Union shall offer the position to the candidate who would have been elected had another Councillor been allocated to the resigning Councillor's faculty during the last election before which nominations were open for that faculty.

## 4. Facts

1. In early September, Councillor Cheung resigned from his post of Science Councillor. There is thus a vacant seat which used to be allocated to the Faculty of Science on Students' Council.
2. The March 2010 general elections produced no Councillors in waiting for the Faculty of Science. From the September 2010 by-elections, nominations were opened for Science Councillors; as a result, there are six Councillors in waiting for the Faculty of Science.
3. Nominations were open for the position of Science Councillor preceding both elections.
4. The CRO refused to fill the seat in early September after conversations with Councillor Cox, contending:
  - a. That Bylaw 0100, s.6(2) referred to the March election instead of the September by-elections,
  - b. That Bylaw 0100, s.6(4), when applied to the March election, resulted in a conclusion of "None of the above", and
  - c. That Bylaw 2000, s.76 did not permit him to hold another by-election.
5. Councillor Cox did not contend with points b. and c. of his argumentation, but responded that she believed that the phrasing of s.6(2) referred to the September by-elections.

## 5. Analysis

Issues regarding s.6(2) centred around the meaning of "last election" (qualified by the clause which followed) and the definition of "election" in a legislative context. After thorough consideration, the board felt that section 6(2) of Bylaw 0100 was best interpreted as follows:

### *5(1). The meaning of "last election"*

It is the belief of this panel that the meaning of Bylaw 0100, s.6(2) is relatively clear. If the "last" election is taken to mean the most recent election that satisfies the underlying conditions ("before which nominations were open for that faculty"), then the board must to evaluate whether both elections qualify under those conditions. As nominations were opened for the position of Science Councillor both in the March 2010 general elections and the September 2010 by-elections, we believe that both of these elections qualify as elections for "which nominations were open for [the Science] faculty".

### *5(1). The definition of election*

CRO Jaskaran Singh contended that the word "election", as used in Bylaw 0100, s.6(2) might refer to only general elections, and not to by-elections. It was thus his argument that

it was from the most recent general election for which Science nominations were taken, and not the most recent by-election, that he should appoint a Councillor-in-waiting .

While the argument was interesting, the panel did not find it compelling. First, in absence of explicit definitions in the header of the Bylaw, we found it appropriate to look to the use of the word “election” throughout Bylaw 0100. In numerous areas, such as s.7(2), we found that it would not make sense to constrain the meaning of those legislative tenets to only general elections. Both in practice and in law, those uses of the word refer to general elections and by-elections, and so it is not consistent to conclude that s.6(2) would exclude by-elections.

In order to grasp the meaning of the word within the greater legislative context of the Students’ Union, we also analyzed Bylaw 2000, s.76, pertaining to the conduct of by-elections and situations in which they could be conducted. Noting that s.76(4), s.76(5) and s.76(6) all used the term “election” to refer to the by-election, and noting that the remainder of Bylaw prescribes specific regulations for “elections” that still apply to by-elections, it was our belief that there was no legislative basis for the belief that the term “election” necessarily excluded by-elections.

## **6. Decision**

Based on the analysis cited in 5(1) and 5(2) below, the panel rules in favour of the applicant. We:

1. Rule that Bylaw 0100, s.6(2) refers quite clearly to the September 2010 by-elections, and more generally, to the most recent election for which nominations for the faculty in question were accepted.
2. Rule that the use of the word “election” in Bylaw 0100 pertains contextually to both by-elections and general elections.
3. Direct the Chief Returning Officer to appoint a Councillor from the September 2010 elections in accordance with the relevant bylaw provisions.

*The Discipline, Interpretation, and Enforcement (DIE) Board functions as the judicial branch of the Students’ Union, and is responsible for interpreting and enforcing all Students’ Union legislation. Please direct all inquiries regarding the DIE Board or this decision to the Chief Tribune via our registrar at: <sga@su.ualberta.ca>.*

# STUDENTS' COUNCIL VOTES AND PROCEEDINGS

---

Tuesday November 2, 2010  
Council Chambers 2-1 University Hall

## VOTES AND PROCEEDINGS (SC 2010-15)

2010-15/1

### SPEAKER'S BUSINESS

Meeting called to order at 6:13pm

2010-15/1a

Announcements – The next meeting of Students' Council will take place on Tuesday, November 16, 2010

**TURNER/FENTIMAN MOVED** to make item 2010-15/6e a special order to move onto the main agenda

**Motion: CARRIED**

**FENTIMAN/ISKANDAR MOVED** to make item 2010-15/6f a special order to move onto the main agenda

**Motion: CARRIED**

2010-15/7

### GENERAL ORDERS

2010-15/7c

**FENTIMAN/TURNER MOVED TO** appoint one (1) member of Students Council to the Bylaw Committee.

**Nominations: Eastham**

**Nominations Closed**

**Appointed: Eastham**

2010-15/3

### EXECUTIVE COMMITTEE REPORT

Nick Dehod, President- Oral Report

James Eastham, VP Academic- Oral Report

Aden Murphy, VP External- Oral Report

2010-15/6

### BOARD AND COMMITTEE BUSINESS

Craig Turner, CAC Chair- Oral Report

**TURNER/KUSMU MOVED TO** move in camera

**Motion: CARRIED**

**TURNER/FERGUSON MOVED TO** move ex camera

**Motion: WITHDRAWN**

**DEHOD/GORDON MOVED TO** suspend the relevant standing orders to allow Council members to ask questions.

**Motion: CARRIED**

**ISKANDAR/KUSMU MOVED TO** move ex camera

**Motion: CARRIED**

**Automatic recess at 7:45pm**

**Meeting called back to order at 8:00pm**

**2010-15/5**

**QUESTION PERIOD**

Question period extended 15 minutes

**2010-15/6**

**BOARD AND COMMITTEE BUSINESS**

**2010-15/6a**

**MURPHY/COX MOVE THAT** upon the recommendation of the Policy Committee, Students' Council approve Bill #14 that Students' Council adopt the Political Policy Affordable Housing in second reading.

Principles:

1. that the University of Alberta Students' Union advocates that the Government of Alberta and the City of Edmonton remove the burden of municipal property taxes from residences.
2. that the University of Alberta Students' Union advocates that the Government of Alberta provide a large-scale, one-time infusion of capital funds to address deferred maintenance in existing residential facilities.
3. that the University of Alberta Students' Union advocates that the Government of Alberta provide capital funds towards the development of additional student housing.
5. that this policy expire on April 30, 2012.

Speakers list: Murphy, Cox, Kusmu,

**KUSMU MOVED TO** called to question

**Motion: CARRIED**

**Main Motion: CARRIED**

**2010-15/6b**

**EASTHAM/FENTIMAN MOVE THAT** upon the recommendation of the Policy Committee, Students' Council approve Bill # 19 that Students' Council adopt the Political Policy Research in second reading.



Principles:

1. that the Students' Union shall endeavor to ensure that the University views research and teaching as equally important constituent parts of the University;
2. that the Students' Union shall endeavor, through all possible avenues, to ensure that research at the University of Alberta is appropriately contextualized within the larger framework of the institution's structure;
3. that the Students' Union advocate for more opportunities that allow undergraduate students to partake in research.
4. that this policy expire on April 30th, 2014

Speakers list: Eastham, Turner, kusmu

**KUSMU MOVED TO** called to question

**Motion: CARRIED**

**Main Motion: CARRIED**

**2010-15/6c**

**TIGHE/EASTHAM MOVE THAT** upon the recommendation of the Policy Committee, Students' Council approve Bill #21 that Students' Council adopt the Political Policy Sustainability in first reading based on the following principles:

1. that the Students' Union shall encourage the University to develop innovative solutions to environmental issues through the School for Energy and the Environment;
2. that the Students' Union shall advocate to the University for the continued adherence to the highest environmental standards in its operations;
3. that the Students' Union advocate for the inclusion of topics in sustainability in course curriculum where appropriate;
4. that the Students' Union seek to actively engage the student population in sustainability initiatives and education.
5. that this policy expire on April 30th, 2014.

Speakers list: Tighe, Eastham, Turner, Dehod, Kusmu

**KUSMU MOVED TO** called to question

**Motion: CARRIED**

**Main Motion: CARRIED**

**2010-15/6d**

**EASTHAM/FENTIMAN MOVE THAT** upon the recommendation of the Policy Committee, Students' Council approve Bill #15, that Students' Council adopt the Political Policy International Students in second reading.  
Principles:

1. that the Students' Union shall support accessible post-secondary education at the University of Alberta for international students.
2. that the Students' Union shall advocate to the University to provide support and services to international students in order to

provide them with the tools to achieve success in pursuit of a quality undergraduate experience.

3. that this policy expire on April 30th, 2012

Speakers list: Eastham, Cox, Kusmu

**KUSMU MOVED TO** called to question

**Motion: CARRIED**

**Main Motion: CARRIED**

**2010-15/6e**

**TURNER/FERGUSON MOVES THAT** Students' Council, on the recommendation of the DIE Board Tribune Selection Panel, appoint John Devlin, Timothy Mallett, Megan Mickalyk, Kelsey Norton, Imane Semaine and Joanna Waldie to the position of DIE Board Tribune.

**Motion: CARRIED**

**2010-15/6f**

**KUSMU/ISKANDAR MOVE THAT** upon the recommendation of the Bylaw Committee, Students' Council approve Bill # 20 in second reading. Principles:

1) That the current Awards Committee be dissolved.

2) That all mandates and responsibilities of the current Awards Committee be transferred to the Grant Allocation Committee.

3) That the Grant Allocation Committee may delegate this authority as it deems necessary.

Speakers list: Kusmu, Turner, Fentiman, Dehod

**KUSMU MOVED TO** called to question

**Motion: CARRIED**

**Main Motion: CARRIED**

**2010-15/7**

**GENERAL ORDERS**

**2010-15/7a**

**DEHOD MOVES THAT** two (2) students' councilors be appointed to the University of Alberta's Advisory Review Committee for Vice President (Research).

**DEHOD MOVED TO** amend the motion to read:

**DEHOD MOVES THAT** two (2) members of Students' Council be appointed to the University of Alberta's Advisory Review Committee for Vice President (Research).

**Motion(Friendly): CARRIED**

**Nominations: Eastham, L'Abbe'**

**Nominations Closed**

**Appointed: Eastham, L'Abbe'**

**2010-15/7b**

**COX/TURNER MOVE THAT** Students' Council adopt Bill #22 in first reading.  
Principle:

1. That the Elections Review Committee consist of five (5) members of Students' Council, including up to a maximum of one (1) member from the Executive Committee, and the Chief Returning Officer as a non-voting member.

Speakers list: Cox, Turner,

**Motion: CARRIED**

**Meeting adjourned at 8:40pm**

# Councillor Attendance Records

2010-2011

## Attendance

### Council Seats (40 total) Name

#### Ex-officio Members (6 voting seats)

#### Ex-officio Members (6 voting seats)

		9/14/2010 SC 10-10	9/21/2010 SC 10-11	9/28/2010 SC 10-12	10/12/2010 SC 10-13	10/26/2010 SC 10-14	11/02/2010 SC 10-15
President	Nick Dehod	Y	Y	Y	Y	Y	Y
VP Academic	James Eastham	N	Y	Y	Y	Y	Y
VP External	Aden Murphy	Y	Y	Y	Y	Y	Y
VP Operations & Finance	Zach Fentiman	Y	Y	Y	Y	Y	Y
VP Student Life	Rory Tighe	Y	Y	Y	N	Y	Y
Undergraduate Board of Governors Rep	Craig Turner	Y	Y	Y	Y	Y	Y

#### Faculty Representation (32 voting seats)

ALES	Natalie Cox	Y	Y	Y	Y	Y	Y
Arts	Petros Kusmu	Y	Y	Y	Y	Y	Y
Arts	Dorothy Roberts			N	Y	Y	Y
Arts	Aditya Rao	Y	Y	Y	Y	Y	Y
Arts	Nariman Saidane	Y	N				
Arts	Joel French	Y	Y	0.5	Y	Y	Y
Arts	Kenzie Gordon	0.5	Y	Y	Y	Y	0.5
Arts	Malori Stan	0.5	N	Y	N	Y(p)	Y(p)
Augustana (Faculty)	Carlo Martin			Y	N	0.5	Y
Business	Colten Yamigishi	Y	Y	Y	Y	Y	Y
Business	Harry Chandler	Y(p)	N	Y(p)	N	Y	N
Education	Nagina wa Kaai	Y	Y	Y	Y	Y	Y
Education	Vanessa Johnson			Y	0.5	N	Y
Education	Britney Luimes			Y	Y	Y	Y
Engineering	Michael Ross	Y	Y	Y	0.5	Y	Y(p)
Engineering	Ben Lambert	N	Y	Y	N	N	Y
Engineering	Noel Broughton	Y	Y	Y	Y	N	Y
Engineering	Farid Iskandar	Y	Y	Y	N	Y	Y
Law	Leslie Stitt	Y	Y	N	Y	Y	Y
Medicine & Dentistry	Antonia Johnson	0.5	Y	0.5(p)	0.5	N	Y
Native Studies	Jake Archie	Y	Y(p)	N	0.5	0.5	N
Nursing	Jenna Parsonage	Y	Y	Y	Y	Y	0.5
Nursing	vacant						
Open Studies	vacant						
Pharmacy	Sarah Zhao	Y	Y	Y	Y	0.5	Y
Phys Ed & Rec	Peter Tenove			Y	N	Y	N
Saint-Jean (Faculty)	Raphael Lepage Fortin	Y	N	Y	Y	Y	0.5
Science	Arlo Grundberg						
Science	Kim Ferguson	Y	Y	Y	Y	Y	Y
Science	Andy Cheema	Y	N	N	Y	Y	N
Science	Steven Huynh	Y	Y	Y	N	Y	Y(p)
Science	Thomas L'Abbe'	Y	N	Y	Y	Y	Y
Science	Wei Qiang	Y	Y	Y	Y	Y	0.5
Science	vacant						
Science	Sangram Hansra			N	Y	0.5	Y

#### Ex-Officio Members (2 non-voting seats)

Speaker	Steven Dollansky	Y	Y	Y	Y	Y	Y
General Manager	Marc Dumouchel	N	N	N	N	N	0.5

#### Resigned:

Deep Bara- May 4, 2010

Dough Cheung- Sept 14, 2010

Nariman Saidane- Sept 28, 2010